

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

YOCHA DEHE WINTUN NATION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, *et al.*,

Defendants.

Case No. 1:25-cv-00867-TNM

JOINT STATUS REPORT AND REQUEST FOR CONTINUED STAY

Pursuant to the Court’s December 8, 2025, Minute Order, Plaintiffs Yocha Dehe Wintun Nation and Kletsel Dehe Wintun Nation of the Cortina Rancheria and the Federal Defendants have conferred and hereby submit this joint status report stating Federal Defendants’ plans for reconsideration of the January 10, 2025, Gaming Eligibility Determination in light of the Court’s decision in the *Scotts Valley Band of Pomo Indians v. Burgum*, Case No. 1:25-cv-958 (TNM), and Plaintiffs’ position on those plans.

Joint Status Report

The Department of the Interior (Department) issued a decision on January 10, 2025, that included (1) a determination to take 160.33 acres of land in the City of Vallejo, California, in trust for the Scotts Valley Band of Pomo Indians (Scotts Valley) and (2) a determination that such property qualifies as gaming-eligible “restored lands” under the Indian Gaming Regulatory Act. Second Declaration Regarding Plan for Reconsideration (Declaration) ¶ 3, attached. On March 27, 2025, the Department’s sent Scotts Valley a letter announcing its intention to reconsider the Gaming Eligibility Determination. *Id.* ¶ 4. The reconsideration notice invited

interested parties, including Scotts Valley, to submit (or resubmit) evidence and/or legal analysis regarding whether the Vallejo Site qualifies as restored lands under 25 U.S.C.

§ 2719(b)(1)(B)(iii) and 25 C.F.R. Part 292. *Id.*

The Department accepted submissions through June 13, 2025, and received submissions totaling thousands of pages (June Submissions), including evidentiary submissions from Plaintiffs. Decl. ¶ 4. Scotts Valley did not submit any evidence.

On December 3, 2025, the Department of the Interior (“the Department”) sent another letter to Scotts Valley regarding the reconsideration process. *See* Decl. ¶ 5. The letter noted the June Submissions “raise questions about [Scotts Valley’s] significant historical connection and temporal connection to the Vallejo Site.” *Id.* The letter also (1) invited Scotts Valley to schedule and participate in an initial meeting to discuss the timeline for reconsideration, (2) promised to provide Scotts Valley with the June submissions no later than December 10, 2025, and (3) invited Scotts Valley to submit any further evidence or legal analysis that it wishes the Department to consider during its reconsideration by January 30, 2026. *Id.*

The Department provided Scotts Valley with the June Submissions on December 9, 2025. *Id.* ¶ 6. The Department met with Scotts Valley in person on December 22, 2025, and virtually on January 16, 2026. *Id.* ¶ 7. At these meetings, Scotts Valley stated that its experts need significantly more time than January 30, 2026, to adequately respond to the June Submissions. *Id.* Scotts Valley requested that its submission be due no earlier than the end of June 2026. *Id.*

On January 21, 2026, the Department sent Scotts Valley a letter extending the deadline for Scotts Valley’s submission to May 1, 2026. *See* Decl. Ex. A. No further submissions will be accepted thereafter. Decl. ¶ 8. At Scotts Valley’s option, the Department will convene a final meeting with Scotts Valley around that time. *Id.*

The Department's desire is to have this matter resolved with finality for Scotts Valley and all other interested parties (including Plaintiffs) in a timely manner. *Id.* ¶ 9. Although the Department has not yet seen Scotts Valley's submission and thus does not know the volume of material it will need to review and consider, the Department anticipates issuing a reconsidered decision by July 31, 2026. *Id.*

Plaintiffs' Position

This Court's December 8, 2025, Minute Order required the Department to "provide a concrete timeline for the Department to reach its decision on reconsideration." Plaintiffs appreciate the Department's efforts to do so and agree with the Federal Defendants that a stay is warranted, but wish to reiterate their concern over the delays resulting from Scotts Valley's tactics.

While Scotts Valley is seeking to intervene to dismiss this case, it has delayed resolution of the Department's reconsideration process and pushes forward with its efforts to conduct gaming at the Vallejo Site. Scotts Valley has been aware of the legal and evidentiary matters at issue in the reconsideration process since March 24, 2025.¹ Scotts Valley did not submit evidence during the Department's March 27-June 13, 2025 comment period. Months later, Scotts Valley asked that its final submission deadline be no earlier than June 30, 2026. Meanwhile, Scotts Valley is planning to open a temporary Class II gaming facility on the Vallejo Site, ECF No. 22-3 ¶ 29, despite the Court's and the Department's warning against "'placing undue reliance' on the vacatur of the temporary rescission of the Gaming Eligibility Decision."

¹ Plaintiffs' March 24, 2025, Complaint (ECF No. 1) laid out the issues in detail. And, in Scotts Valley's separate suit challenging the Department's reconsideration process, Plaintiffs attached to their May 9, 2025, *amicus curiae* brief a 40-page memorandum providing further elaboration. See Decl. of Matthew G. Adams, Ex. 10, *Scotts Valley Band of Pomo Indians v. Burgum*, No. 25-cv-00958 (TNM), 2025 U.S. Dist. LEXIS 109903 (D.D.C. June 10, 2025), ECF No. 55-12.

ECF No. 23-1 at 5. Plaintiffs remain concerned that Scotts Valley appears to be trying to delay the reconsideration process for tactical reasons.

Nevertheless, because the Department has now committed to a schedule that will conclude the reconsideration process in the coming months (and before the case would otherwise be resolved on the merits) Plaintiffs agree with the Federal Defendants that a continued stay remains appropriate to preserve the resources of the Court and all Parties.

* * * *

To avoid unnecessarily burdening judicial or Party resources, the Parties jointly request that the Court continue the stay while the Department moves forward with reconsideration of the January 10, 2025, Gaming Eligibility Determination. The Parties propose that they file a joint status report by May 15, 2026, to briefly update the Court on the Department's reconsideration and confirm whether Scotts Valley has (1) submitted evidence prior to the May 1, 2026, deadline or (2) requested a final meeting with the Department.

Respectfully submitted this 3rd day of February, 2026.

s/ Matthew G. Adams (per permission given on 2/3/2026)

MATTHEW G. ADAMS
(D.D.C. Bar No. CA00225)

WILLIAM C. MUMBY
(D.D.C. Bar No. CA00218)

Kaplan Kirsch LLP
One Sansome Street, Suite 2250
San Francisco, CA 94104
Telephone: (415) 907-8704
E-mail: madams@kaplankirsch.com
wmumby@kaplankirsch.com

SAMANTHA R. CARAVELLO
(D.D.C. Bar No. CO0080)
Kaplan Kirsch LLP
1675 Broadway, Suite 2300
Denver, CO 80202
Telephone: (303) 825-7000
E-mail: scaravello@kaplankirsch.com

*Attorneys for Plaintiff Yocha Dehe Wintun
Nation*

/s/ Brenda L. Tomaras (per permission given
on 2/3/2026)

BRENDA L. TOMARAS
(CA SBN 176900) (*Pro hac vice*)
Tomaras & Ogas, LLP
10755-F Scripps Poway Parkway, #281
San Diego, CA 92131
Telephone: (858) 554-0550
E-mail: btomaras@mtowlaw.com

*Attorney for Plaintiff Kletsel Dehe Wintun
Nation of the Cortina Rancheria*

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General

/s/ Devon Lehman McCune
DEVON LEHMAN McCUNE
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
999 18th St., N. Terrace, Suite 600
Denver, CO 80202
303-358-8981
Devon.McCune@usdoj.gov

AMBER DUTTON-BYNUM
Trial Attorney
United States Department of Justice
Environmental & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20004-7611
(202) 305-0465
Amber.Dutton-Bynum@usdoj.gov

